

By: Fletcher, Flynn, Lavender, Burkett, Bell,
et al.

H.B. No. 972

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the carrying of concealed handguns on the premises of
3 and certain other locations associated with institutions of higher
4 education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter H, Chapter 411, Government Code, is
7 amended by adding Section 411.2031 to read as follows:

8 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
9 CERTAIN PREMISES OWNED OR LEASED BY INSTITUTION OF HIGHER
10 EDUCATION. (a) For purposes of this section:

11 (1) "Institution of higher education" and "private or
12 independent institution of higher education" have the meanings
13 assigned by Section 61.003, Education Code.

14 (2) "License holder" means a person to whom a license
15 to carry a concealed handgun has been issued under this subchapter,
16 including a nonresident license issued under Section 411.173(a).
17 The term does not include a person to whom a license to carry a
18 concealed handgun has been issued by another state, regardless of
19 whether a license issued by that state is recognized pursuant to an
20 agreement negotiated by the governor under Section 411.173(b).

21 (3) "Premises" has the meaning assigned by Section
22 46.035, Penal Code.

23 (b) The president or other chief executive officer of an
24 institution of higher education in this state, on behalf of the

1 institution, and after consulting with law enforcement, students,
2 staff, and faculty of the institution, may adopt written rules or
3 regulations prohibiting license holders from carrying handguns on
4 premises owned or leased and operated by the institution, on any
5 grounds or building owned or leased by the institution and on which
6 an activity sponsored by the institution is being conducted, or on a
7 passenger transportation vehicle of the institution. A written rule
8 or regulation adopted under this subsection may remain in effect
9 for not more than one year after the date of adoption and may be
10 renewed, reenacted, or reenacted and amended by the institution
11 only after consultation with students, staff, and faculty of the
12 institution.

13 (c) An institution of higher education that does not adopt a
14 rule or regulation under Subsection (b), or a private or
15 independent institution of higher education that does not adopt a
16 rule, regulation, or other provision or take any other action
17 described by Section 46.03(j), Penal Code, shall adopt written
18 rules or regulations concerning:

19 (1) the storage of handguns in dormitories or other
20 residential facilities that are owned or leased and operated by the
21 institution; and

22 (2) the carrying of concealed handguns by license
23 holders at collegiate sporting events or other official mass
24 gatherings that take place on grounds or buildings owned or leased
25 and operated by the institution.

26 (d) An institution of higher education or private or
27 independent institution of higher education in this state may not

1 adopt or enforce any rule, regulation, or other provision or take
2 any other action, including posting notice under Section 30.06,
3 Penal Code, prohibiting a student enrolled at that institution who
4 holds a license to carry a concealed handgun under Subchapter H,
5 Chapter 411, Government Code, from transporting or storing a
6 handgun of the same category the student is licensed to carry or
7 ammunition for that handgun in a locked, privately owned motor
8 vehicle or a motor vehicle leased by or for the student:

9 (1) on a street or driveway located on the campus of
10 the institution; or

11 (2) in a parking lot, parking garage, or other parking
12 area located on the campus of the institution.

13 (e) This section does not permit a person to possess a
14 concealed handgun, or go with a concealed handgun, on the premises
15 maintained or operated by an institution of higher education that
16 is used for the operation of a national biocontainment laboratory,
17 if the institution gives effective notice under Section 30.06,
18 Penal Code.

19 SECTION 2. Section 411.208, Government Code, is amended by
20 amending Subsections (a), (b), and (d) and adding Subsection (f) to
21 read as follows:

22 (a) A court may not hold the state, an agency or subdivision
23 of the state, an officer or employee of the state, an institution of
24 higher education or a private or independent institution of higher
25 education, an officer or employee of an institution of higher
26 education or a private or independent institution of higher
27 education, a peace officer, or a qualified handgun instructor

1 liable for damages caused by:

2 (1) an action authorized under this subchapter or a
3 failure to perform a duty imposed by this subchapter; or

4 (2) the actions of an applicant or license holder that
5 occur after the applicant has received a license or been denied a
6 license under this subchapter.

7 (b) A cause of action in damages may not be brought against
8 the state, an agency or subdivision of the state, an officer or
9 employee of the state, an institution of higher education or a
10 private or independent institution of higher education, an officer
11 or employee of an institution of higher education or a private or
12 independent institution of higher education, a peace officer, or a
13 qualified handgun instructor for any damage caused by the actions
14 of an applicant or license holder under this subchapter.

15 (d) The immunities granted under Subsections (a), (b), and
16 (c) do not apply to an act or a failure to act by the state, an
17 agency or subdivision of the state, an officer of the state, an
18 institution of higher education or a private or independent
19 institution of higher education, an officer or employee of an
20 institution of higher education or a private or independent
21 institution of higher education, or a peace officer if the act or
22 failure to act was capricious or arbitrary.

23 (f) For purposes of this section, "institution of higher
24 education" and "private or independent institution of higher
25 education" have the meanings assigned by Section 61.003, Education
26 Code.

27 SECTION 3. Section 46.03, Penal Code, is amended by

1 amending Subsections (a) and (c) and adding Subsections (j), (k),
2 (l), (m), and (n) to read as follows:

3 (a) A person commits an offense if the person intentionally,
4 knowingly, or recklessly possesses or goes with a firearm, illegal
5 knife, club, or prohibited weapon listed in Section 46.05(a):

6 (1) on the ~~[physical]~~ premises of a school or
7 ~~[educational]~~ institution of higher education or private or
8 independent institution of higher education, any grounds or
9 building on which an activity sponsored by a school or
10 ~~[educational]~~ institution of higher education or private or
11 independent institution of higher education is being conducted, or
12 a passenger transportation vehicle of a school or ~~[educational]~~
13 institution of higher education or private or independent
14 institution of higher education, whether the school or
15 ~~[educational]~~ institution is public or private, unless:

16 (A) pursuant to written rules or regulations or
17 written authorization of the school or institution; or

18 (B) the person possesses or goes on premises
19 owned or leased and operated by an institution of higher education
20 or private or independent institution of higher education, on any
21 grounds or building owned or leased by the institution and on which
22 an activity sponsored by the institution is being conducted, or on a
23 passenger transportation vehicle of the institution with a
24 concealed handgun that the person is licensed to carry pursuant to a
25 license issued under Subchapter H, Chapter 411, Government Code;

26 (2) on the premises of a polling place on the day of an
27 election or while early voting is in progress;

1 (3) on the premises of any government court or offices
2 utilized by the court, unless pursuant to written regulations or
3 written authorization of the court;

4 (4) on the premises of a racetrack;

5 (5) in or into a secured area of an airport; or

6 (6) within 1,000 feet of premises the location of
7 which is designated by the Texas Department of Criminal Justice as a
8 place of execution under Article 43.19, Code of Criminal Procedure,
9 on a day that a sentence of death is set to be imposed on the
10 designated premises and the person received notice that:

11 (A) going within 1,000 feet of the premises with
12 a weapon listed under this subsection was prohibited; or

13 (B) possessing a weapon listed under this
14 subsection within 1,000 feet of the premises was prohibited.

15 (c) In this section:

16 (1) "Institution of higher education" and "private or
17 independent institution of higher education" have the meanings
18 assigned by Section 61.003, Education Code.

19 (2) [~~1~~] "Premises" has the meaning assigned by
20 Section 46.035.

21 (3) [~~2~~] "Secured area" means an area of an airport
22 terminal building to which access is controlled by the inspection
23 of persons and property under federal law.

24 (j) Subsection (a)(1)(B) does not preclude a private or
25 independent institution of higher education from adopting a rule,
26 regulation, or other provision or from taking any other action to
27 prohibit license holders from carrying handguns on premises owned

1 or leased and operated by the institution, on any grounds or
2 building owned or leased by the institution and on which an activity
3 sponsored by the institution is being conducted, or on a passenger
4 transportation vehicle of the institution.

5 (k) Subsection (a)(1)(B) does not permit a person to possess
6 a concealed handgun, or go with a concealed handgun, on the premises
7 of a hospital maintained or operated by an institution of higher
8 education or private or independent institution of higher education
9 if the hospital gives notice under Section 30.06. In this
10 subsection, "hospital" has the meaning assigned by Section 241.003,
11 Health and Safety Code.

12 (l) Subsection (a)(1)(B) does not permit a person to possess
13 a concealed handgun, or go with a concealed handgun, on the premises
14 of a preschool, elementary school, or secondary school that is
15 located on the grounds or premises of an institution of higher
16 education or private or independent institution of higher education
17 if the institution gives notice under Section 30.06.

18 (m) It is an exception to the application of Subsection
19 (a)(1) that the actor possessed a firearm or club while traveling to
20 or from the actor's place of assignment or in the actual discharge
21 of the actor's duties as a security officer if:

22 (1) the actor holds a security officer commission
23 issued by the Texas Private Security Board;

24 (2) the actor is wearing a distinctive uniform; and

25 (3) the firearm or club is in plain view.

26 (n) Subsection (a)(1)(B) does not permit a person to possess
27 a concealed handgun, or go with a concealed handgun, on the premises

1 maintained or operated by an institution of higher education that
2 is used for the operation of a national biocontainment laboratory,
3 if the institution gives notice under Section 30.06.

4 SECTION 4. Section 46.035, Penal Code, is amended by adding
5 Subsection (1) to read as follows:

6 (1) Subsection (b)(2) does not apply on premises owned or
7 leased and operated by an institution of higher education or
8 private or independent institution of higher education, as defined
9 by Section 61.003, Education Code, where a collegiate sporting
10 event sponsored by the institution is taking place unless the actor
11 is given notice under Section 30.06.

12 SECTION 5. Section 411.208, Government Code, as amended by
13 this Act, applies only to a cause of action that accrues on or after
14 the effective date of this Act. A cause of action that accrued
15 before the effective date of this Act is governed by the law in
16 effect immediately before the effective date of this Act, and the
17 former law is continued in effect for that purpose.

18 SECTION 6. Section 46.03, Penal Code, as amended by this
19 Act, and Section 46.035(1), Penal Code, as added by this Act, apply
20 only to an offense committed on or after the effective date of this
21 Act. An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 7. This Act takes effect January 1, 2014.